

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

OWEN W. BARNABY,

Plaintiff,

Hon. Robert J. Jonker

v.

Case No. 1:22-cv-1146

MICHIGAN STATE GOVERNMENT,

et al.,

Defendants.

ORDER

The Court has before it Plaintiff's Emergency Motion for Clarification on Objection (ECF No. 133) to Orders ECF Nos. 91, 96, 127, and 131. (ECF No. 138.) While not entirely clear, in this motion/objection, Plaintiff appears to argue that the Court should have allowed him more time to serve the Berrien County Defendants and the Holmstrom Defendants while allowing him to maintain his position that they were already properly served. (*Id.* at PageID.138.)

As set forth in the December 17, 2023 Order (ECF No. 91), Plaintiff was given 45 days to effect proper service on the unserved Defendants. The order also explained why Plaintiff's prior attempts at service were invalid and that Plaintiff was not entitled to entry of default judgment against any Defendant. Rather than using that time to effect proper service, Plaintiff pursued an unauthorized interlocutory appeal to the Sixth Circuit, which was ultimately dismissed for lack of jurisdiction. The time for service was never extended because Plaintiff failed to demonstrate good cause for an extension. In any event, in light of Defendants' subsequent motions to dismiss and my recommendations set forth in my July 9, 2024 Report and Recommendation (ECF No. 213), the relief sought in the instant motion is now moot.

Accordingly, Plaintiff's motion/objection (ECF No. 138) is **DENIED AS MOOT**.

IT IS SO ORDERED.

Dated: July 11, 2024

/s/ Sally J. Berens

SALLY J. BERENS

U.S. Magistrate Judge